

AN ORDINANCE

03- 0 -0573

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND IN NORTH BUCKHEAD IN THE CITY OF ATLANTA, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$425,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE USE OF CONDEMNATION PROCEEDINGS FOR THE TARGETED PROPERTIES IF NECESSARY; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

WHEREAS, a parcel of land in the North Buckhead community adjacent to Little Nancy Creek ("the Property") is being offered for sale; and

WHEREAS, the site contains one of the last remaining significant wetlands in the City of Atlanta; and

WHEREAS, Ordinance 03-O-0392 proposes the allocation of FY01 Georgia Greenspace (Fulton) grant funds to cover the cost of this project; and

WHEREAS, the Blue Heron Nature Preserve, Inc., has agreed to adopt the site for maintenance purposes.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1: That the Mayor or her designee is hereby authorized to negotiate with the property owner to purchase, trade, or transfer of approximately 8.5 acres of real property located at the end of Emma Lane, as shown and described in the attached Exhibit.

SECTION 2: That fund, account, and center number 1B02-771001-Y63D1013KTA0, Nancy Creek Trail and Greenway Corridor is to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source, in an amount not to exceed \$425,000.

SECTION 3: That consultant services for acquisition of the properties shall be charged to and paid from fund account center 1C28 771001 Y63D10139991 in an amount not to exceed \$3,260.

SECTION 4: That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish just compensation based thereon to be offered the property owner.

SECTION 5: That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

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SECTION 6: That the City's Consultant is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Mayor or her designee is authorized to administratively settle, with appropriate substantiating documentation, e.g. appraisal report, without further authorization of City Council, those acquisitions which exceed the limitations which the City's Consultant cannot otherwise acquire.

SECTION 7: That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 8: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 9: That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultants, with affected property owners.

SECTION 10: That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.